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17 May 2018

Dear Nicola,

**Wrexham County Local Development Plan (LDP) Deposit (Regulation 17) Consultation:  
Welsh Government Representation**

Thank you for consulting the Welsh Government on the Wrexham Local Development Plan (LDP) Deposit documents. We acknowledge that the preparation of a LDP and the supporting evidence is a significant undertaking and recognise the amount of work your Authority has undertaken to date in moving the plan forward from the Preferred Strategy to the Deposit stage.

**The Welsh Government is broadly supportive of the strategy** which seeks to locate the majority of development in the most sustainable locations, linked to the role and function of places, whilst also supporting rural areas. The strategy ensures a range and choice of sites in terms of scale and location across the plan area. **The Welsh Government is also generally supportive of the level of homes and jobs proposed** when considered against the range of issues the plan is seeking to address, such as the acute need for affordable housing, increasing levels of economic activity in order to capitalise on and align with opportunities afforded by the North Wales Regional Growth Ambition Board.

Demonstrating delivery of the strategy will be essential. The development planning system in Wales is evidence led and demonstrating how a plan is shaped by the evidence will be a key requirement at the LDP examination. Demonstrating the delivery and viability of all sites in the LDP is critical, in particular those sites that are integral to the strategy and objectives.

Without prejudice to the Minister's powers to intervene later in the process and to the independent examination, the Welsh Government is committed to assisting local planning authorities throughout the LDP process. The Deposit LDP has been considered in accordance with the tests of soundness as set out in PPW / LDP Manual. **Our representations are separated into three categories which are set out by topic area in detail in the attached Annex.**

**Category A:** Fundamental issues that are considered to present a significant degree of risk for the Authority, if not addressed prior to submission stage, and may have implications for the plan's strategy:

- **None**

**Category B:** Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:

- **Affordable Housing (Target and Viability)**

**Category C:** Whilst not considered to be fundamental to the soundness of the LDP, we consider there to be a lack of certainty or clarity on the following matters:

- **Deliverability & Implementation – General**
- **Housing - Clarification of Affordable Housing Provision, Spatial Distribution & Housing Components**
- **Specialist Housing (Gypsy and Travellers: Criteria Based Policy & HMOs)**
- **Renewable Energy – Policy Clarification**
- **Minerals**

It is for your Authority to ensure that the LDP is 'sound' and it will be for the appointed Inspector to determine how the examination proceeds once the plan is submitted. You should consider how to maximise the potential of your LDP being considered 'sound' through the examination process. **I would be happy to meet to discuss matters arising from this formal response to your Deposit LDP** and I would encourage you to contact me to arrange a mutually convenient time.

Yours sincerely,

**Mark Newey**  
**Head of Plans Branch**  
**Planning Directorate**

**Annex to Welsh Government Letter (17 May 2018) in response to the Wrexham County Borough Council Deposit LDP 2013-2028**

<b>Category A</b>	Objections under soundness tests; <u>fundamental issues</u> that are considered to present a significant degree of risk if not addressed prior to submission.
<b>Category B</b>	Objections under soundness tests; matters where it appears that the Deposit Plan has not satisfactorily translated national policy to the local level or there are tensions within the plan.
<b>Category C</b>	Objections under soundness tests; whilst not considered being fundamental to the soundness of the LDP, there is a lack of certainty or clarity on the matters which can be usefully addressed.

**Category C – Deliverability & Implementation – General**

The Welsh Government is supportive of the Spatial Strategy. A critical element for the plan will be the phasing, timing and delivery of sites, ensuring that the plan delivers the scale of growth alongside associated infrastructure, in locations to meet the needs across the plan period. Whilst the evidence base adds some clarity in terms of progress, timings, constraints, funding mechanisms and viability (subject to comments on the Affordable Housing Viability Study, AHVS) we have the following comments in respect of Delivery:

- **Delivery & Implementation Information in the plan** - A key matter for the examination will be whether the plan contains sufficient information in relation to the implementation, delivery and monitoring of the plan. Specifically, whether key elements of the master planning principles, delivery proformas and the infrastructure plan, should be in the plan to ensure good design and comprehensive development for housing and employment sites.
- **Statements of Common Ground (SOCG)** - The Infrastructure Plan alludes to the intention of preparing Statements of Common Ground for strategic housing sites. This will be necessary to demonstrate sites will come forward in the identified timescales, accompanied by the necessary infrastructure to deliver them. It is important site promoters continue to be involved in the process and understand the importance of demonstrating delivery. These comments also apply to employment sites and key non-strategic housing sites, where relevant.
- **Flexibility and 5 Year Housing Land Supply** - There are inaccuracies within the Housing Supply and Delivery Paper that require amendment:
  - Table 19: Housing Land Supply is mathematically incorrect as it totals the housing provision, not the requirement. The flexibility allowance is to allow for the non-delivery of sites, it will never be built out in its entirety. The land supply figures for the plan need to be recalculated to ensure a 5 year supply at adoption and throughout the plan period.
  - The ‘anticipated completions line’ on Chart 2: Trajectory Graph is misleading as it appears to total the provision? It should total the actual required completions over the remaining plan period. At present there is no flexibility above the remaining requirement line. Amendments are required to more accurately reflect the data and ensure it is clear if/where there is flexibility in the trajectory. The level of flexibility is a matter for the Authority to justify, taking into account issues of non delivery.
- **Planning Obligations and the Community Infrastructure Levy** - The Council should be certain that without a CIL charge in place and an inability to ‘pool’ future S106 agreements (beyond 5 per specific infrastructure item), the delivery of sites and key infrastructure will not be inhibited.

## **Category B - Policy H2 - Affordable Housing Targets / AHVS (January 2018)**

It is essential the viability evidence is up-to-date and takes into account all known costs, including an allowance for appropriate infrastructure. Affordable Housing policies should be based on robust evidence and be applicable to the majority of schemes. This is essential to ensure the policy aligns with the evidence base and maximises provision through the LDP given the high level of need and its stated priority, The Welsh Government considers there are elements of the AHVS that require clarification. There are also questions in respect of how the conclusions of this work have been transposed into the policy targets set out in Policy H2 of the plan.

- The analysis of what is a viable policy target and how the surplus per unit accommodates 'other contributions' is unclear. The analysis has only been completed based on a 20% policy target across the board. It would have been helpful for this table to be expanded to include all realistic policy targets and benchmarked against an analysis on what is a realistic figure for 'other contributions'. Other LPAs have used a range of between £1750 and £10,000 per unit. At present it is uncertain as to whether there is a sufficient surplus to demonstrate that the suggested 'viable targets' in Table 7.3 are viable, particularly where there are negative values?
- The below table identifies the surplus for the targets set out in the plan policy:

Sub Area (30dph)	Land Vale Benchmark	Viable Policy Position (Taken from Table 7.3 of the AHVS)		Surplus per unit for 'other contributions'	Policy Target in H2	Surplus per unit for 'other contributions'
Rural East	£719,801	40%	£1.05	£11000	40%	£11000
North Wrexham & Gresford	£464,996	40%	£0.48	£500	40%	£500
South Wrexham	£368,555	30%	£0.46	£3050	40%	£-1950
Rural West, Chirk	£300,000	30%	£0.36	£2000	30%	£2000
North West Settlements	£174,289	25%	£0.20	£860	30%	£-1140
Cefn Mawr & Rhos	£119,462	0%	£0.03	£-3000	0%	£-3000

- Clarification and justification is required that the 'surplus' values in the above table are sufficient to demonstrate the targets in Policy H2 are viable and can accommodate 'other contributions'.
- Clarification is required on why the targets in Policy H2 do not align with the AHVS evidence base in relation to South Wrexham and North West Settlements. The above table demonstrates that viability in these areas may be challenging at the set level given the negative values.
- It is unclear if the AHVS has tested the impact of 'sprinklers' (£3,100 per dwelling)?
- Policy H2 –should include a reference to viability. For example, “*starting point for negotiation, subject to site viability on a site by site basis*”

**Key Sites Viability Testing** - We note the AHVS tests a sample of large sites in the County Borough, including many of the key sites in the plan. The approach is based on the broad viability assumptions in the high level testing but applies a higher developer profit of 20%. The study states that S106 costs have not been taken into consideration in the site specific testing. Similar

to the high level approach these sites are left with a ‘margin/surplus’ for S106 costs per unit. It is not clear from the evidence base what the surplus means in relation to the S106 requirements, or how it is derived. Given the significant infrastructure requirements identified in the plan, the Authority needs to explain that these sites are viable and can be delivered in the identified timescales. (See delivery). Key strategic site KSS2 as tested does not align with the units tested in the plan?

**Category C Components of Housing Supply – Clarification of Spatial Distribution & Housing Components by Settlement Tier**

The plan should contain a table that sets out the spatial distribution of the numerical components of housing supply by Settlement Tier. We note this information is contained in multiple places such as Table 1, Table 2, SP4, SP5 and Policy H1 and the plans evidence base. However, this is not drawn together in one place. The plan should include a table similar to the one below which will improve the clarity of the plan and allow for effective monitoring.

	Components of Housing Supply	Settlement Tier 1	Settlement Tier 2	Settlement Tier 3	Settlement Tier 4 etc.
A	Total completions (small and large) 01.04.XX – 31/03.XX				
C	Units with planning permission 01.04.20XX				
D	New Housing Allocations				
E	Large windfall sites (+5/10) 10 years remaining				
F	Small windfall sites (-5/10) 10 years remaining				
G	<b>Total Housing Provision</b>				

**Category C - Affordable Housing Authority-Wide Target / Spatial Distribution of Affordable Housing Supply**

- The affordable housing authority wide target of 1319 homes is not stated in the plan. This should be included in a policy in the plan, Policy SP1 could refer to “*makes provision for 8525 dwellings, of which 1319 will be affordable*”
- The Housing Supply and Deliverability Paper included an analysis of affordable housing contributions by housing component. A table setting out anticipated affordable housing contributions by tier would be helpful aiding clarity of the plan and effective monitoring.

**Category C - Gypsy & Travellers - Level of Need and Provision (Gypsy Traveller Accommodation Assessment (GTAA) / Site Deliverability / Policy H5**

**Level of Need & Provision** - The GTAA states the level of need over the plan period is 28 residential pitches, 15 of which are immediate (by 2020). The Council sets out in the Deposit Plan that due to sites being granted planning permission since the GTAA was published, the residual need for the plan period is 25 pitches, of which 6 pitches are immediate (by 2020). Policy H4 allocates three sites of 8 pitches (24 pitches) to meet the identified need. This is a positive response to the evidence base and is supported. The Authority has confirmed that the remaining one pitch is likely to be met through ongoing discussions regarding private sites. The Authority will need to provide an update to this position for the examination, ensuring the plan makes appropriate provision for the need identified.

**Site Suitability & Deliverability** – The Council need to ensure that a site to deliver the immediate need can be delivered by 2020. In respect of the remaining allocations, the site issues set out in the Site Selection Paper need to be rectified to deliver the necessary pitches by 2028.

**Policy H5 Gypsy and Travellers Criteria Based Policy** - Criterion (i) is contrary to national policy. It implies Gypsies and Travellers have restricted freedom of movement to develop sites in other local authorities. This could be deemed as indirect discrimination under the Equality Act 2010 as Gypsies and Travellers are less likely to have a local connection to any particular local authority.

### **Category C – Policy H9: Houses in Multiple Occupation (HMO)**

The policy would be strengthened if criterion (ii) clearly detailed what the LPA considers to be an "over concentration". LPAs need to ensure that the LDP policy, amplified through SPG (if appropriate) provides an effective basis for determining planning applications for HMOs. The authority will need to ensure the policy has the effect intended. To achieve this goal the policy should specify what level is considered "over concentration" and where spatially it would, or would not apply.

### **Category C Renewable Energy Policy Renewable Energy Assessment / Policy RE2**

The REA supporting policy RE2 is broadly in line with national policy and the toolkit methodology. We have the following comments:

- The proposed LSAs for both wind and solar PV allocated by this policy should be specifically listed in the plan together with the contributions from each site.
- Policy RE2 – the authority will need to satisfy itself that the criteria are sufficiently expansive to consider a range of RE technologies.

### **Category C - Flooding**

The LPA should demonstrate that it has complied with national policy and that all allocations can accommodate the scale of growth proposed and are deliverable.

### **Category C - Minerals**

**Policy SP17: Minerals Supply and Safeguarding** - The Council need to demonstrate how a shortfall of 3.84 million tonnes of crushed rock will be provided. If it is "through an extension to an existing quarry within Flintshire", a 'Statement of Common Ground' and allocation would be beneficial.

**Policy MW3: Sustainable Supply of Minerals (Extraction Exclusion Areas)** - PPW Edition v10 (consultation, May 2018) only requires the safeguarding of primary coal resources and indication of areas where coal operations would not be acceptable (para 4.163). Whilst it is premature to adopt this policy shift, if it becomes national policy before/during the examination, this should be reflected in the plan.

### **Category C - Proposals map**

PPW states that designations should be included on the proposals map wherever practical. As a general comment, the Proposals Map is overlaid with a significant amount of data / designations many of which are identifiable by similar colours / patterns. We note that the authority does not have a Constraints Map. Many adopted plans in Wales have included those designations that are outside of their control (i.e. NRW, CADW and Welsh Government) on a separate Constraints Map

in order to improve both the clarity of the Proposals Map and allow for regular updates as it is not part of the development plan.

**Category C – Monitoring**

The Councils monitoring framework provides a good starting point and it is clear the authority has looked at other monitoring frameworks which will need to be refined through the examination sessions.

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